



***Burbank2035* General Plan:
Housing & Safety Element Assessment
and New Environmental Justice Component**

**Prepared for: City of Burbank
Community Development Department, Planning Division**

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1. Introduction

The consultant team of Karen Warner Associates, Inc. (KWA) is assisting the City of Burbank (“City”) in updating its current 2014-2021 Housing Element of the *Burbank2035* General Plan for the 2021-2029 planning period, as well as its Safety Element, to comply with State law. This memorandum provides the Burbank City Council and members of the Burbank community with an assessment of current Housing Element programs and their actual effectiveness in addressing the City’s housing needs and fair share housing production requirements. Information is also provided on recently adopted State housing laws that are relevant to the 2021-2029 Housing Element (“Housing Element Update”). This memorandum initiates the City’s Housing Element Update planning process, which will ultimately result in the adoption and State certification of the Housing Element by the October 2021 statutory deadline.

In conjunction with the adoption of the Housing Element Update, the General Plan Safety Element will be updated in compliance with State law. Key areas to be updated include fire and flooding hazards as well as emergency response and preparedness, especially as they relate to the City’s projected climate change exposure and vulnerability. A new Environmental Justice (“EJ”) component will be incorporated into the Safety Element, and EJ policies will be integrated within several other elements of the General Plan as those elements are updated over time.

Context

In 2017, the Burbank City Council approved the Burbank Housing Analysis and Strategy Plan, which highlighted patterns of rapid employment growth and the rising cost of housing in the City. The combined factors of employment growth and limited new housing production have contributed to a widening gap between jobs and housing known as a jobs-to-housing imbalance, where the ratio of jobs available in the City far exceeds the available housing for the workforce. This imbalance has led to a doubling of the City’s population to over 200,000 during the daytime, resulting in an increased demand for infrastructure and services. Recognizing the need for housing affordable to the Burbank workforce while preserving the single-family residential neighborhoods in the City, the City Council in 2019 addressed a major component of this multi-faceted affordable housing “puzzle” by setting a goal to facilitate the building of 12,000 residential units during the next 15 years (2019-2034). Much of this housing growth is planned along Interstate-5 within the Burbank Center Specific Plan and proposed Golden State Specific Plan areas.

The housing strategies and the level of housing growth needed over the next 15 years, as described in the Housing Analysis and Strategy Plan, will be integrated within Burbank’s Housing Element Update. Through its identification of sites for future development and implementing housing programs, the Housing Element will lay the foundation for achievement of the City’s goal of facilitating the development of 12,000 new housing units, as well as address the City’s fair share housing needs as quantified in the Regional Housing Needs Assessment (RHNA).

Purpose of the Housing Element

Local government plays a vital role in the supply, location, and affordability of housing in a jurisdiction through the effective implementation of local General Plans, and in particular the local Housing Element. As one of the seven mandatory elements of the *Burbank2035* General Plan, the Housing

Element has identified strategies and programs that focus on preserving and improving housing and neighborhoods, providing adequate housing sites, assisting in the provision of affordable housing, removing governmental and other constraints to housing investment, and promoting fair and equal housing opportunities. The Housing Element Update will also identify programs to accommodate the City's final RHNA allocation -- the current draft RHNA allocation for Burbank is 8,752 units for the June 2021-October 2029 period. Upon completion of the City planning process in developing the Housing Element Update, which includes community participation, environmental review, and adoption by the City Council, the California Department of Housing and Community Development (HCD) will review the Housing Element Update for compliance with State law and report its findings to the City. If all requirements have been met, HCD will certify the City's Housing Element Update.

The importance of having a State-certified Housing Element is to:

1. Maintain eligibility for State grants that can help fund infrastructure, parks and public amenities;
2. Avoid violating State law that requires cities to accommodate their identified housing needs, and thus, removing the risk of legal challenge; and,
3. Avoid having an inadequate General Plan and losing current levels of local control of development in the City.

2. Evaluation of Accomplishments Under the Current Housing Element

As required by State law, the Burbank Housing Element Update must analyze and critically evaluate the accomplishments of each housing program (known as the Housing Plan) identified in the current 2014-2021 Housing Element. It must also assess the individual housing program's effectiveness in meeting the objectives and determine its appropriateness for inclusion in the Housing Element Update.

A list of the 5 current Housing Element goals and the 17 Housing Plan programs as they appear in the existing Housing Element is presented below. Many of these housing programs are currently being implemented in Burbank and will continue as ongoing programs in the Housing Element Update. Several of the key housing programs are discussed in **Table 1** to highlight their accomplishments in addressing the City's housing needs. A more detailed evaluation of all the housing programs is included in **Appendix A** to this memorandum.

Goal 1: Conserve and improve the existing housing stock

1. Focus Neighborhood Revitalization/Community Building
2. Code Enforcement
3. Preservation of Assisted Housing
4. Housing Choice Vouchers (Section 8 Rental Assistance)
5. Condominium Conversion Program

Goal 2: Provide housing sites that accommodate a range of housing types to meet the diverse needs of existing and future residents

6. Land Use Element and Zoning Code
7. Second Dwelling Units ("Accessory Dwelling Units")

Goal 3: Assist in the development of housing affordable to all economic segments of the community

8. Affordable Housing Development Assistance
9. Inclusionary Housing Ordinance
10. Housing for Persons with Disabilities
11. Sustainability and Green Building

Goal 4: Address governmental constraints to the maintenance, improvement, and development of housing

12. Development Standards and Procedures

Goal 5: Promote non-discrimination and ensure fair and equal housing opportunities for all persons

13. Fair Housing
14. Landlord/Tenant Mediation
15. Emergency Shelter and Emergency Services
16. Accessible Housing and Universal Design
17. Residential Lifeline Program

Table 1 highlights several of the above housing programs and describes the progress in implementation (refer to Appendix A for progress descriptions for each of the 17 programs in the Housing Element).

Table 1
Progress under Key Housing Element Programs (2014-2019)

Housing Program	Program Progress
<p>1. Focus Neighborhood Revitalization/Community Building</p> <p><u>Objective:</u> Acquire and rehabilitate affordable housing units in Focus Neighborhood.</p>	<p>After the end of Redevelopment in 2012, the Burbank Housing Corporation (BHC) expanded its efforts beyond the Focus Neighborhoods. During the 2014-2019 period, BHC acquired, rehabilitated and placed affordability covenants on 27 units through the following projects:</p> <ul style="list-style-type: none"> ▪ Jerry's Promise ▪ Elmwood Preservation Project Phase II ▪ Fairview Cottages ▪ Veterans Bungalows
<p>6. Land Use Element and Zoning Code</p> <p><u>Objective:</u> Facilitate the creation of mixed-use development in the Downtown area by updating the Zoning Code to include development standards for residential mixed-use and small-lot development.</p>	<p>Three mixed use developments were approved for development in the Downtown: Talaria, First Street Village and 777 N Front Street, providing 1,089 new apartments, which collectively included 82 deed-restricted rental units for qualified moderate income households.</p> <p>The City initiated and/or adopted the following Land Use and Zoning Code changes impacting residential uses:</p> <ul style="list-style-type: none"> ▪ Adopted Single-Family Development Standards and Design Guidelines. ▪ Adopted and Updated Accessory Dwelling Unit Ordinance, which resulted in the processing of more than 350 new accessory dwelling units. ▪ Extended Residential Growth Management Provisions of Measure One. ▪ Initiated the Golden State and Downtown Burbank Metrolink Station Transit Oriented Development (TOD) Specific Plans, which will introduce significant new housing and mixed-use development opportunities in these areas.
<p>7. Second Dwelling Units</p> <p><u>Objective:</u> Promote and monitor development of second units.</p>	<p>In response to new State Accessory Dwelling Unit (ADU) laws, the City adopted ordinances that established development standards to facilitate the productions of ADUs and Jr. ADUs. As a result, more than 350 ADUs have been approved and permitted during the 2014-2019 period. A 2019 market rent survey shows that 46% of ADU rents were within the level affordable to low-income households, 10% were affordable to moderate-income households, and 44% were at levels affordable to above moderate-income households.</p>
<p>8. Affordable Housing Development Assistance</p> <p><u>Objective:</u> Provide regulatory incentives and</p>	<p>Based on the City's Affordable Housing Analysis and Strategy, the citywide housing goal is to build 12,000 dwelling units during the next 15 years. Projects with affordable housing units that received planning entitlements and/or financial assistance included:</p>

<p>financial assistance for affordable housing projects.</p>	<ul style="list-style-type: none"> ▪ <u>601-615 East Cedar Avenue</u> – 46 unit multi-family project provided 35% density bonus and waiver from certain development standards in exchange for eight deed-restricted very low- and low-income rental units. ▪ <u>First Street Village</u> – Mixed-use project encompassing 261 apartments and over 21,000 square feet of retail, and including 13 moderate-income units. ▪ <u>777 Front Street (La Terra)</u> – Mixed-use project including 573 rental units, a 300+ room hotel, and 1,000+ square feet of retail. 69 of the units will be provided at affordable rents to moderate-income households. ▪ <u>Burbank Housing Corporation</u> – Acquired and/or rehabilitated 27 long-term affordable housing units. <p>A proposed 42-unit mixed-use project at 624-628 S. San Fernando Boulevard would also provide four very low income units as part of a density bonus request and one low income unit in compliance with the City’s inclusionary requirements.</p>
<p>9. Inclusionary Housing Ordinance</p> <p><u>Objective:</u> Continue to implement the City's Inclusionary Housing Ordinance.</p>	<p>Burbank’s existing Inclusionary Housing Ordinance, adopted in 2006, requires income and affordability covenants to be imposed on 15% of the units included in new residential developments with five or more units. The ordinance had been suspended for rental housing since 2009 due to the <i>Palmer</i> decision, but with the passage of AB 1505 (the “<i>Palmer Fix</i>”), was re-instated in January 2018. The City subsequently contracted with an economic real estate firm to conduct an updated Inclusionary Housing Study to evaluate both production and in-lieu fee payment options; updated regulations are anticipated to be considered by the Burbank City Council in 2020. While no inclusionary units were produced during the planning period, the City recently entitled an eight-unit housing project that will be contributing an in-lieu affordable housing fee, and in addition the project application for 624-628 S. San Fernando Blvd. proposes to include one low income inclusionary unit on-site, in addition to the requested four very low income density bonus units.</p>
<p>12. Transitional and Supportive Housing</p> <p><u>Objective:</u> To comply with State law, the City will amend the Zoning Ordinance for transitional and supportive housing to be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.</p>	<p>The Zoning Code has not yet been amended to include Transitional and Supportive Housing as permitted uses in the R-1, R-1-H, and R-2 zones. The Code amendment will be necessary to comply with current Housing Element requirements. Despite these zoning provisions, between 2014-2019, the Burbank Housing Corporation (BHC) created a total of 17 transitional housing units for adults, youth, and families with children.</p>

<p>16. Emergency Shelter and Emergency Services</p> <p><i>Objective:</i> Explore opportunities for programs and partnerships to leverage funds; provide funding support to agencies offering homeless services to Burbank's homeless and at-risk population.</p>	<p>The City adopted a comprehensive Homelessness Plan for 2018-2021, and has implemented several of the Plan's strategies, including:</p> <ul style="list-style-type: none"> ▪ Preparing a feasibility study for interim or permanent housing, and for the conversion of a commercial space into an access center and shelter. ▪ Evaluating City-owned land for potential use as a safe storage facility. ▪ Hiring a Homeless Services Liaison. ▪ Extending the partnership with Hope of the Valley to provide an emergency shelter pick-up/drop-off in Burbank. ▪ Initiation of homeless street outreach in downtown Burbank.
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Recommendation: All current housing programs remain relevant to the Housing Element Update. Expansion of these programs, as well as the addition of new programs, will be considered based upon recent changes in State housing law, results of the housing needs assessment, and input from the public outreach process.

3. Progress in Addressing 2014-2021 RHNA

In addition to evaluating the City’s accomplishments in implementing its Housing Element Housing Plan and programs, the 2021-2029 Housing Element must specifically evaluate the City’s progress in addressing its fair share of the regional housing need, or RHNA. The City’s RHNA allocation and progress to date for the 2014-2021 5th planning cycle is shown in the summary **Table 2** below, which is taken directly from the City’s 2019 Annual Progress Report (APR). As shown in the table, during the first six years of the eight-year planning period, the City has issued building permits for a total of 501 housing units, representing less than 20% of its total RHNA need for 2,684 units. Based on projects with entitlements, approximately 150 additional units are expected to receive certificates of occupancy during the remaining two years of the planning period, bringing the City’s progress up to approximately 25% of its total RHNA goal. Progress in addressing the City’s low- and moderate-income housing needs has been even more limited, with accessory dwelling units representing the majority of units provided.

Table 2
2014-2021 Housing Element RHNA Allocation and Building Permits Issued

Income Level	RHNA Allocation (2014-2021)	RHNA Progress (2014-2019)	Remaining RHNA
Very Low	694	0	694
Low	413	71	342
Moderate	443	17	426
Above Moderate	1,134	413	721
Total	2,684	501	2,183

Currently, draft SCAG estimates show that Burbank will have a 6th cycle RHNA allocation of approximately 8,752 new units. While these RHNA figures are over three times the City’s prior allocation, this level of growth falls within the 12,000 housing-unit goal established by the City Council. The City has several medium and large-scale mixed use and multi-family projects in the pipeline, totaling over 1,000 mixed income units that will contribute towards addressing Burbank’s 6th cycle housing needs. The update to the Burbank Center Specific Plan and the proposed Golden State Specific Plan are both anticipated to provide significant additional opportunity areas for higher density housing, critical to the City being able to provide adequate sites for all economic segments of the community. Furthermore, as presented in the section that follows, the State legislature has enacted stricter housing laws to hold cities accountable, making it all the more important for the Housing Element Update to lay the foundation to better enable the City to meet its housing goals.

4. New State Housing Laws Relevant to Housing Element Update

In response to California’s worsening affordable housing crisis, in each of the last several years the State legislature has enacted a series of bills aimed at increasing production, promoting affordability and creating greater accountability for localities in addressing their housing needs. The consultant team led by KWA has evaluated the numerous of housing laws that have taken effect since adoption of Burbank’s current 2014-2021 Housing Element, and have identified 15 bills directly relevant to the Housing Element Update.¹ A summary of these bills and their implications for the Burbank 2021-2029 Housing Element is presented in **Table 3** and detailed in **Appendix B** to this memorandum.

Table 3
New State Housing Laws Relevant to Housing Element Update

Housing Bill	Implications for Burbank’s 2021-2029 Housing Element
<i>Statutes of 2019</i>	
<p>1. SB 330 Housing Crisis Act</p> <p>Seeks to boost homebuilding by expediting approvals for housing development.</p>	<p>Consider establishing a program to amend the Zoning Code to implement the residential demolition restrictions and replacement housing obligations required under the Housing Crisis Act. Confirm Burbank’s Measure One growth control ordinance is in compliance with the Act.</p>
<p>2. SB 1486, AB 1255 Surplus Land for Affordable Housing</p> <p>Expands definition of surplus land and puts additional restrictions on the disposal of surplus land.</p>	<p>Include an inventory of publicly owned surplus land in the Housing Element sites inventory. Identify any surplus properties anticipated to be sold during the planning period. Include a program in the Housing Element to define how the City will comply with the Surplus Lands Act.</p>
<p>3. SB 6 Design and Development of Sites Inventory</p> <p>Requires the State to create a public inventory of local sites suitable for residential development based on a new electronic housing elements sites inventory form.</p>	<p>Develop the Housing Element sites inventory to include all variables specified on HCD’s site inventory spreadsheet, and submit spreadsheet electronically to HCD.</p>

¹ Several additional housing bills have been proposed in the 2020 legislative session. Any new laws that take effect during the course of the Housing Element Update will also be addressed in consultation with the State Department of Housing and Community Development (HCD).

<p>4. AB 1482 California Tenant Protection Act</p> <p>Limits annual rent increases and prohibits evictions without just cause.</p>	<p>Develop new Tenant Protection program in the Element, and include information on educational outreach being conducted by the Landlord/Tenant Commission to publicize new protections offered to tenants under the Act.</p>
<p>5. AB 1763 Density Bonus</p> <p>Permits 100% affordable projects to be built denser and taller thru three modifications to current Density Bonus Law.</p>	<p>Ensure the City’s updated Density Bonus Ordinance and Program meet the parameters of AB 1763, and incorporate the new ordinance as a program in the Housing Element.</p>
<p>6. AB 139 Emergency Shelters</p> <p>Amends assessment method to show site capacity and modifies parking requirement.</p>	<p>Utilize the new assessment method to assess site capacity within the M-2 zone where shelters are currently permitted by-right. Add a program action to amend the current parking standards for shelters from a ratio based on the number of beds to a ratio based on to the number of shelter staff consistent with State law.</p>
<p>7. SB 13, AB 68, AB 587, AB 670, AB 671, AB 881 ADUs and JADUs</p> <p>Builds upon recent ADU and JADU laws and seeks to further reduce barriers.</p>	<p>Revise the Housing Element’s current ADU Program to reflect Burbank’s current ordinance, which implements State law and explicitly provides for JADUs. Augment the Program to incentivize and promote ADUs that can provide affordable rents to lower- and moderate-income households.</p>
<p><i>Statutes of 2018</i></p>	
<p>8. AB 686 Affirmatively Furthering Fair Housing</p> <p>Requires assessment and programs to further fair housing, including location of lower income sites in high-resource areas.</p>	<p>Incorporate findings and recommendations from the City’s 2020 Analysis of Impediments to Fair Housing Choice (AI) in the Housing Element. Ensure the sites inventory includes locations for higher density/lower-income housing in high-resource areas, and incorporate policies for environmental justice in accordance with SB 1000.</p>
<p>9. AB 2162 Supportive Housing Streamlined Approval</p> <p>Requires supportive housing to be a use by right and eliminates parking if close to transit.</p>	<p>Add new supportive housing provisions to governmental constraints analysis in the Housing Element. Augment Housing Element’s current Transitional and Supportive Housing program to include an action to amend the Zoning Code consistent with current State law.</p>

Statutes of 2017

<p>10. SB 166 Strengthen No Net Loss/Continuous Rezoning of Housing Sites</p> <p>Requires cities to make “no net loss” findings in order to approve projects that fall within a different income category than identified in the Housing Element.</p>	<p>Incorporate a sufficient “buffer” of potential housing opportunity sites in the sites inventory to offset any sites developed at lower densities or higher income levels than assumed in the Housing Element to ensure adequate sites can be maintained throughout the RHNA planning period by income category.</p>
<p>11. AB 879 Additional Constraints Analysis</p> <p>Expands the required analysis of constraints and development of programs to address.</p>	<p>Evaluate potential governmental and non-governmental constraints to address the new parameters of the AB 879, and develop program(s) to address any identified constraints. Include documentation on the economic feasibility of the City’s proposed update of the inclusionary housing ordinance and program.</p>
<p>12. AB 1397 Additional Justification of Housing Element Sites</p> <p>Requires additional justification for inclusion of sites in the Housing Element, particularly for sites identified to address lower income needs.</p>	<p>Shift the focus of the Housing Element sites inventory from underutilized multi-family parcels, which will be difficult to justify under the new requirements, to Burbank’s existing and proposed specific plan areas, which benefit from their proximity to major transit and employment centers. Add a new program to the Housing Element requiring the replacement of units affordable to the same or lower-income level as a condition of any development on a non-vacant site, including market rate units previously occupied by lower-income tenants (consistent with SB 330).</p>
<p>13. AB 1505 Authorizes Inclusionary Housing in Rental Projects</p> <p>Overturms Palmer decision, allowing cities to require inclusionary units in rental projects.</p>	<p>Ensure the City’s updated inclusionary ordinance and program meets the parameters of AB 1505. Incorporate the new ordinance as a program in the Housing Element, and include periodic monitoring of its effectiveness.</p>

<p>14. AB 1521 Preservation of Affordable Housing with Expiring Use Restrictions</p> <p>Requires seller of assisted rental housing to accept purchase offer from qualified purchaser, and gives HCD added enforcement authority.</p>	<p>Update the Preservation of Assisted Rental Housing program in the Housing Element to reflect the new noticing requirements, and include an action to request copies of owner annual reports from HCD as a means of monitoring the status of assisted housing in the City.</p>
<p>15. AB 72 Increased Enforcement of Housing Element Law</p> <p>Provides explicit authority for HCD to find a city out of compliance with state housing law at any time.</p>	<p>Reaffirm the City’s commitment to implementation of its Housing Element programs, and continue to monitor progress through annual Housing Element Progress Reports (APRs).</p>

5. Assessment of Current Safety Element and Environmental Justice Component

This section identifies revisions to the *Burbank2035* Safety Element necessary to bring it into compliance with current State law. This includes an overview of applicable regulations and guidance, a preliminary assessment of the current Safety Element, the method of analysis, overviews of required new safety element and environmental justice components, consultation requirements, coordination needs and data needs. Components of the previous Safety Element will be integrated and carried over into the updated Safety Element as well but are not discussed in this section.

Overview of Applicable Regulation and Guidance

Senate Bill 1000. States that revisions or adoption of two or more elements of a general plan on or after January 1, 2018 trigger a requirement to “adopt or review the environmental justice Element, or the environmental justice goals, policies, and objectives in other elements.” Disadvantaged communities are either identified by the California Environmental Protection Agency according to Section 39711 of the Health and Safety Code², or are defined as an area with household incomes at or below 80 percent of the statewide median income, or below the designated threshold defining a low-income area, and are “disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.” Per California Government Code §65040.12(e), environmental justice is “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” Environmental justice goals, policies, and objectives must aim to reduce health risks to disadvantaged communities, promote civil engagement, and prioritize the needs of disadvantaged communities.

Senate Bill 379. SB 379 requires all cities and counties to include climate adaptation and resiliency strategies in the safety elements of their general plans upon the next revision beginning January 1, 2017. The bill requires the climate adaptation update to include a set of goals, policies, and objectives for their communities based on the vulnerability assessment, as well as implementation measures, including the conservation and implementation of natural infrastructure that may be used in adaptation projects.

Assembly Bill 2140. AB 2140 authorizes a city, county, or a city and county to adopt a federally specified local hazard mitigation plan along with its safety element update. The local hazard mitigation plan must

² 39711. (a) The California Environmental Protection Agency shall identify disadvantaged communities for investment opportunities related to this chapter. These communities shall be identified based on geographic, socioeconomic, public health, and environmental hazard criteria, and may include, but are not limited to, either of the following:

(1) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation.

(2) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.

(b) The California Environmental Protection Agency shall hold at least one public workshop prior to the identification of disadvantaged communities pursuant to this section.

(c) Chapter 3.5 (commencing with Section 11340) of the Part 1 of Division 3 of Title 2 of the Government Code does not apply to the identification of disadvantaged communities pursuant to this section.

(Amended by Stats. 2014, Ch. 36, Sec. 5. (SB 862) Effective June 20, 2014.)

be approved by FEMA and the Office of Emergency Services to qualify jurisdictions for federal financial assistance.

Senate Bill 1241. SB 1241 revises the safety element requirements for state responsibility areas and very high fire hazard severity zones and requires review and update of the safety element, upon the next revision of the housing element on or after January 1, 2014, as necessary to address the risk of fire in state responsibility areas and very high fire hazard severity zones.

Preliminary Assessment of Current Safety Element and New Requirements

Key areas of the *Burbank2035* Safety Element to be updated include fire and flooding hazards as well as emergency response and preparedness, especially as they relate to the City’s projected climate change exposure, vulnerability, and environmental justice issues. The following **Tables 4, 5, and 6** describe the types of analyses and policy revisions that will need to be made in response to new regulatory requirements.

**Table 4
Safety - General Plan Updates**

Section	Component	Data	Revision
Safety Goals and Policies Goal 1 Emergency Response and Preparation	Policy 1.1: Regularly update all disaster preparedness and emergency response plans		<p>Revise to indicate that updates should include the latest climate change projections for each climate related risk (e.g., flooding, fire, et cetera). Also include that responses should be focused on the most vulnerable populations.</p> <p>Revisions will incorporate the recently updated Local Hazard Mitigation Plan (LHMP, to be updated by August 2020) which includes climate change risk analysis.</p> <p>These revisions will also include the new plan updates that the City is undergoing to meet new FEMA standards (Comprehensive Planning Guidance 101v2). Once updated, plans will be updated put on a tier revision schedule (tier 1 plans will be revised annually, tier 2 revised every two years and tier 3 plans revised every three years).</p>
	Policy 1.5: Establish designated emergency response and evacuation routes throughout the City		<p>Revise to include evaluation of emergency response and evacuation routes for each climate hazard (e.g., flooding, fire, etc.), as they may require different responses and include scenarios where major thoroughfares are unavailable due to damage such as a significant to major seismic event (e.g. bridge overcrossings and under-</p>

Table 4
Safety - General Plan Updates

Section	Component	Data	Revision
			crossings for freeways, channels, waterways, street bridges).
Safety Goals and Policies Goal 6 Flood Safety	Policy 6.3: Continue to maintain and upgrade the City-operated flood control system to ensure the system is capable of protecting existing and planned development.		Revise to include evaluation of projected changes in storm frequency and intensity. This should be evaluated using Cal Adapt and selecting the “high” and “mid” emissions scenarios (RCP 8.5 and RCP 4.5, respectively). Also include policies or programs of when and how new developments are responsible for designing and constructing any necessary upgrades to the storm drain system.
	Policy 6.4: Consult with Los Angeles County and other agencies to maintain and improve capacity of local and regional flood control systems		Revise to include evaluation of projected changes to storm frequency and intensity. Also include policies or programs of when and how new developments would be responsible for coordinating with LACFCD regarding storm drain capacity and necessary improvements to the LACFCD system based on proposed development. And programs on how City will need to coordinate with LACFCD on a system-wide level (also see storm water policy below).
	Policy 6.6: Prepare and update a stormwater master plan to ensure proper maintenance and improvements to storm drainage facilities		Revise to include evaluation of projected changes to storm frequency and intensity. This should be evaluated using Cal Adapt and selecting the “high” and “mid” emissions scenarios (RCP 8.5 and RCP 4.5 respectively). Also add to the policies or programs on how a Storm Water Master Plan Update would occur including coordination with LACFCD.
Safety Goals and Policies Goal 8 Hazardous Materials	Add Policy		Address hazard mapping and collaborative emergency response to hazardous materials spills. Utilize the City of Burbank Fire Department’s California CERS system for tracking Hazardous materials and CALARP for High Hazard sites. Focus efforts in areas with the most disadvantaged communities.
Safety Plan	Exhibit S-1. Fires Zones	California Dept. of Forestry and Fire Protection (CAL FIRE)	Use data to map locations of Very High Hazard Severity Zones in the City and update evacuation routes as appropriate (existing maps have adopted by the Burbank Fire Department; however, updated maps should be released

**Table 4
Safety - General Plan Updates**

Section	Component	Data	Revision
			beginning to mid-2021 and the most recent maps will be integrated at that time). Identify any changes from the current Safety Element and revise discussion, goals, and policies as necessary.
	Exhibit S-2. Evacuation Routes		Update map. Identify any changes from the current Safety Element and revise discussion, goals, and policies as necessary.
	Exhibit S-3. Fault Locations	California Geologic Survey	Confirm there have been no updates by California Division of Mining or USGS (United States Geological Survey) to identified fault zones in Burbank. Update maps as needed. Identify any changes from the current Safety Element and revise discussion, goals, and policies as necessary.
	Exhibit S-4. Liquefaction Zones	California Geologic Survey	Confirm there have been no updates by California Division of Mining or USGS (United States Geological Survey) to identified liquefaction zones in Burbank. Update maps as needed. Identify any changes from the current Safety Element and revise discussion, goals, and policies as necessary.
	Exhibit S-5. Earthquake-Induced Landslide Zones	California Geologic Survey	Confirm there have been no changes in identified California Earthquake Hazards Zone Induced Landslide Zones. Update maps if needed. Identify any changes from the current Safety Element and revise discussion, goals, and policies as necessary.
	Exhibit S-6. FEMA Flood Zone Areas	Federal Emergency Management Agency (FEMA)	Use FEMA FIRM Maps ³ (updated in Oct 2019) to update FEMA 100-year and 500-year flood hazard zones. Identify any changes from the current Safety Element and opportunities to be addressed in the revisions.
	Hazardous Materials and Human-Caused Hazards	GeoTracker	Use Geotracker (used by Burbank Fire Department) database to determine the current status of hazardous sites including: Leaking Underground Storage Tanks cleanup sites, Cleanup Program Sites, Oil and Gas Monitoring sites. Status should be tracked in a manner that it

³ <https://dpw.lacounty.gov/floodzone/>

Table 4
Safety - General Plan Updates

Section	Component	Data	Revision
			can easily be integrated in the City’s GIS mapping software and map archives. Identify any changes from the current Safety Element and opportunities to be addressed in the revisions.
	Add climate change vulnerability analysis	Cal-Adapt	Plot and analyze expected climate change impacts (e.g., changes in temperature, precipitation, drought, wildfire, and storms) on a local scale using five climate models ⁴ and two Representative Concentration Pathways (RCPs) ⁵ provided by Cal-Adapt. Past and future year horizons will be used to analyze projected impacts in Burbank. Determine the City’s vulnerability and adaptive capacity by examining current planning documents and programs. Identify opportunities for new goals and policies related to climate change.

⁴ These five models were determined by the State and researchers as priority models for climate change planning in California: HadGEM2-ES (Warm/Drier simulation), CNRM-CM5 (Cooler/Wetter simulation), CanESM2 (Average simulation), MIROC5 (Complement simulation). <https://cal-adapt.org/tools/annual-averages/>

⁵ RCP 4.5, the “medium” emissions scenario, and RCP 8.5, the “high” emissions scenario will be used to address uncertainty in the future of global greenhouse gas emissions. <https://cal-adapt.org/tools/annual-averages/>

**Table 5
Environmental Justice - General Plan Updates**

Section	Component	Data	Revision
Disadvantaged Communities	Current Racial and Ethnic Composition	CalEnviroScreen 3.0 US Census Bureau	Identify locations of disadvantaged communities in the City to help focus hazard reduction and safety policies and programs to the most vulnerable.
Pollution Exposure	Pollutant Sources in Burbank		Determine major sources of pollution, refer to <i>Burbank2035</i> Air Quality & Climate Change Element.
	CalEnviroScreen Exposure Indicators	CalEnviroScreen 3.0	Description of indicators and table of CalEnviroScreen Scores for Exposure Indicators by U. S. Census Tract.
Environmental Contamination	Environmental Contamination Sources in Burbank		Determine major sources of environmental contamination, refer to Safety Element hazardous material sites.
	CalEnviroScreen Environmental Effects Indicators	CalEnviroScreen 3.0	Description of indicators and table of CalEnviroScreen Scores for Environmental Effect Indicators by U. S. Census Tract.
Physical Activity and Public Health	Physical Activity	California Health Interview Survey	Determine existing conditions: obesity rate in the City and facilities provided such as bicycle lanes and sidewalks. Refer to <i>Burbank2035</i> Mobility Element.
	CalEnviroScreen Sensitive Populations Indicators	CalEnviroScreen 3.0	Description of indicators and table of CalEnviroScreen Scores for Sensitive Population Indicators by U. S. Census Tract.
Food Access	Access to Fresh Food, Fast Food, Food Pantries, and Farmers' Markets in the City	County Data	Map of food access in the City and discussion.
Socioeconomic Factors	CalEnviroScreen Socioeconomic Factor Indicators	CalEnviroScreen 3.0	Description of indicators and table of CalEnviroScreen Scores for Socioeconomic Factor Indicators.

Table 6
Additional Burbank2035 General Plan Elements to be Updated with
Environmental Justice Information

Element	Opportunity
Air Quality and Climate Change	Revise and add policies to support cross-jurisdictional planning specifically to decrease exposure to air pollution in residential areas most burdened by existing pollution. Evaluate if indoor environmental air quality should be considered in conjunction with the California Building Standards Code.
Land Use	Revise and add policies to ban specific types of polluting facilities that would further harm disadvantaged communities.
	Revise and add policies to focus open space and complete streets projects in disadvantaged communities including reducing the urban heat island effect in those communities.
Mobility	Revise and add policies to ensure public transportation that is safe and accessible is available and connects to the most disadvantaged communities, which are consistent with the Burbank Citywide Complete Streets Plan.
	Revise and add <i>policies to design</i> street improvements to maintain and expand bicycle, pedestrian, and transit systems in disadvantaged communities, which are consistent with the Burbank Citywide Complete Streets Plan.
Housing	Revise and add policies to encourage equitable distribution of housing types for all income groups and promote mixed income neighborhoods rather than creating concentrations of below-market-rate housing in certain areas.
Open Space and Conservation	Revise and add policies to focus and improve parks, open space, recreation programs, and recreation facilities in disadvantaged communities.
	Revise and add policies that improve and extend trail networks to disadvantaged communities.
	Add policies that pertain to protecting water quality from contaminants.
	Revise and add policies to promote sustainable energy systems (e.g., solar, cool roofs, use water and energy efficient appliances and systems) in disadvantaged households. This would reduce pollution, fossil fuel consumption, and could reduce the cost of energy for low-income households.
Noise	Revise and add policies to reduce or mitigate noise exposure in disadvantaged communities.

Appendix A

Evaluation of 2014-2021 Housing Element Programs

Appendix A

Evaluation of 2014-2021 Housing Element Programs

Programs/Objective	Accomplishments
Existing Housing and Neighborhood Conditions	
<p>1. Focus Neighborhood Revitalization/Community Building</p> <p><i>Objective:</i> Acquire and rehabilitate rental units. Achieve an average of ten housing units annually, for a total of 80 units over eight years (20 extremely low-, 20 very low-, and 40 low-income units).</p>	<p><i>Progress:</i> After the end of Redevelopment in 2012, the Burbank Housing Corporation (BHC), which implements Burbank’s Affordable Housing Program, expanded its efforts beyond the Focus Neighborhoods. During the 2014-2019 period, BHC acquired, rehabilitated, and/or developed the following:</p> <ul style="list-style-type: none"> ▪ Jerry’s Promise (1932 N. Ontario Street) - acquired, rehabilitated, and created three transitional housing units for homeless families. ▪ Elmwood Preservation Project Phase II (Elmwood Focus Neighborhood) -- completed rehabilitation improvements on ten affordable units. ▪ Fairview Cottages (2300 N. Fairview Street) -- acquired a three-unit property in the Golden State Neighborhood to provide affordable housing for extremely low-income households. ▪ Veterans Bungalows (1101 W. Verdugo/1108 West Angelino Avenue) -- rehabilitated and furnished 11 deed-restricted very low-income units for homeless veterans. <p>In total, BHC rehabilitated 27 affordable units during the six-year period</p> <p><i>Effectiveness:</i> This program continues to provide a multi-faceted approach to improving neighborhoods, providing a service-enriched environment, and providing affordable rental housing. Implementation of this program achieved one-third of its objective of 80 units.</p> <p><i>Appropriateness:</i> This program continues to be appropriate for the Housing Element Update, providing needed affordable units even though the high cost of housing, limited funds and available properties have constrained program implementation. Burbank’s 2020/21-2024/25 Consolidated Plan establishes a goal to partner with BHC to acquire, rehabilitate and provide as long-term affordable housing 15 rental units using HOME funds. Further, the City and LeSar Development Consultants are working to develop a Long-Term Strategic Plan with BHC to develop more affordable housing.</p>
<p>2. Code Enforcement</p>	<p><i>Progress:</i> As part of the City’s Building and Safety Division, Code Enforcement is responsible for the enforcement of property maintenance, zoning, unpermitted construction and business</p>

<p>Objective: Conduct proactive neighborhood improvement activities within designated CDBG target areas.</p>	<p>license regulations throughout the City. In 2019, there were 1,141 code enforcement cases (residential and non-residential) recorded Citywide. Of this total, 957 cases were completed, 77 cases were pending, and in 107 cases the permit expired. Many of the residential code enforcement cases were related to property maintenance, zoning compliance, and health and safety issues.</p> <p>Effectiveness: The Code Enforcement program is effective in addressing housing and property maintenance issues, especially properties in the CDBG target areas.</p> <p>Appropriateness: This is an ongoing program that is an important part of preserving the City’s aging housing stock. Code Enforcement continues to be appropriate for the Housing Element Update.</p>
<p>3. Preservation of Assisted Housing</p> <p>Objective: Preserve existing "at-risk" affordable housing stock.</p> <ul style="list-style-type: none"> ▪ Monitor At-Risk Units ▪ Support for Refinancing ▪ Rental Assistance ▪ Tenant Education 	<p>Progress: As of March 2020, there were 1,373 deed-restricted affordable rental units in Burbank. The City monitors these affordable units on an annual basis by: maintaining contact with owners/management to ensure long-term affordability covenants are met; maintaining and updating the list of all assisted housing developments; communicating with Section 8 tenants regarding status of HUD contract renewal; providing tenant education for Section 8 recipients in the event of property owner withdrawal from Section 8 program; and promoting fair housing opportunities through owner/tenant workshops.</p> <p>The City has been monitoring the following three senior facilities at potential risk of losing their long-term affordability status:</p> <ul style="list-style-type: none"> ▪ Wesley Towers (97 very low-income units) – Extended its affordability until May 1, 2049. ▪ Pacific Manor (166 very low-income units) – Extended affordability to February 1, 2036. ▪ Harvard Plaza (149 very low-income units) – In the process of refinancing, with an anticipated late September 2020 closing date and extension of affordability anticipated. <p>Effectiveness: The City was effective in having the affordability controls extended on two at-risk projects, and has maintained an open dialogue with Harvard Plaza on their efforts to preserve long-term affordable housing units. The City will continue to seek alternative funding sources for rent subsidies to maintain affordability.</p> <p>Appropriateness: This is an ongoing program that is an important part of preserving the City’s long-term affordable housing units and aging housing stock. Preservation of Assisted Housing continues to be appropriate for the Housing Element Update.</p>
<p>4. Housing Choice Vouchers (Section 8 Rental Assistance)</p>	<p>Progress: The Burbank Housing Authority (BHA) has increased its Section 8 allocation of 1,014 vouchers, with an additional allocation of 15 Vouchers for the Veterans Affairs Supportive</p>

<p>Objective: Maintain current levels of Section 8 funding and apply for additional funds as available. Encourage landlords to register units with the Burbank Housing Authority and undergo education on the Section 8 program</p>	<p>Housing (VASH vouchers). Staff applied for funding in 2018 and 2019 and was awarded this additional allocation to assist homeless Veterans in the community.</p> <p>The majority of the vouchers are utilized by seniors and persons with disability. Nearly 29,000 households are on the waiting list for Section 8 rental assistance, although just 12% are current Burbank residents.</p> <p>In each of the last two years (2018 and 2019), BHA renewed funding for 20 permanent supportive housing (PSH) vouchers for chronically homeless and disabled households. In addition, BHA received an exception payment standard, resulting in a higher subsidy level for special housing vouchers.</p> <p>Effectiveness: The BHA has been effective in increasing its voucher levels and adjusting program standards to maximize utilization.</p> <p>Appropriateness: It is the goal of the 2020/21-2024/25 Consolidated Plan to provide Section 8 rental assistance to 1,029 households annually (including 15 VASH vouchers); and with about 29,000 residents on the waiting list for assistance, the Section 8 Rental Assistance program continues to be appropriate for the Housing Element Update.</p>
<p>5. Condominium Conversion Program</p> <p>Objective: Consider amending the Inclusionary Housing Ordinance to include condominium conversion projects.</p>	<p>Progress: Between 2014 and 2019, there were no applications for condominium conversions and no inclusionary housing requirements imposed on condominium conversions.</p> <p>Effectiveness: Burbank’s condominium conversion regulations are effective in facilitating the creation of quality entry-level ownership housing. Existing regulations help to mitigate impacts on tenants of the units undergoing conversion by regulating noticing procedures and mandating relocation payments to cover the costs of moving.</p> <p>Appropriateness: The City’s condominium conversion regulations remain an appropriate mechanism to ensure the safety and quality of units and to help mitigate the impacts on displaced tenants. While there were no conversions in during the period, the City is still considering extending the affordability requirements under the City’s Inclusionary Housing Ordinance to condominium conversions. This program continues to be appropriate for the Housing Element Update.</p>
<p>Variety of Housing Sites</p>	
<p>6. Land Use Element and Zoning Code</p> <p>Objective: Facilitate and encourage the creation of residential mixed-use development in the Downtown area and other appropriate locations citywide. Update the Zoning Code to include</p>	<p>Progress: The City approved three mixed use developments in the Downtown: Talaria, First Street Village and 777 N Front Street, providing 1,089 new apartments, which included 82 deed-restricted rental units for qualified moderate income households.</p> <p>The City initiated and/or adopted the following Land Use and Zoning Code changes impacting residential uses:</p>

development standards for residential mixed-use and small-lot development.

- **Elimination of R-5 Very High Density Residential Zone and MDR-5 Media District Very High Density Residential Zone** (adopted January 2015, Ord. No. 15-3,860). This Ordinance removes references to the R5 and MDR-5 zones from the Zoning Code and changed the zoning to R-4 and MDR-4, respectively. These zone changes have been reflected on the City's Zone Map.
- **Single-Family Development Standards and Design Guidelines** (adopted January 2017, Ord. No. 17-3,890 and Reso. No. 17-28,906). This ordinance regulates bulk and mass of residential development in single-family neighborhoods.
- **Accessory Dwelling Unit** (adopted urgency interim ordinance in April 2017 and adopted an ADU ordinance in April 2018, Ord. No. 18-3,901). The ordinance amended the zoning definitions and establish development controls to allow ADUs in all residential zones consistent with State Law. Allowed ADUs to a maximum size of 500 square feet.
- **Urgency Ordinance Extending the Residential Growth Management Provisions of Measure One Until 2030** (adopted December 2019, Ord. No. 19-3,929). This urgency ordinance extends the growth control measure originally approved by Burbank voters in 1989 for an additional 10 years. Measure One caps the maximum number of residential dwelling units at the maximum build out identified in the 1988 Land Use Element, consistent with infrastructure capacities. The Burbank2035 General Plan has a maximum build out less than the Measure One maximum build out.
- **Accessory Dwelling Unit** (adopted Interim Development Control Ordinance December 2019, Ord. No. 19-3,928 and subsequent ADU Ordinance in February 2020, Ord. No. 20-3932). This ordinance updates development standards for new ADUs and Junior ADUs consistent with recent changes in State law. Changes include allowance for ADUs of up to 850 square feet with one-bedroom and up to 1,000 square feet for two-bedrooms, and exemption from FAR and lot coverage requirements.
- **Golden State Specific Plan and Burbank Center Plan Update.** The City initiated the Golden State and Downtown Burbank Metrolink Station Transit Oriented Development (TOD) Specific Plans. These Plans will introduce significant additional housing in the area, and will establish development standards and design guidelines to enable compact, well designed, higher-density and mixed-use projects.

Effectiveness: The General Plan Land Use Element and Zoning Ordinance continue to provide opportunities for a mix of housing

	<p>types -- small lot development, live-work units, and mixed-use development.</p> <p>Appropriateness: The potential for residential mixed-use development within the existing and proposed Specific Plan areas and the continued increase of ADU development make this program appropriate for the Housing Element Update.</p>
<p>7. Second Dwelling Units (“Accessory Dwelling Units”)</p> <p>Objective: Promote development of second units and monitor ADU development trends annually to evaluate if modifications are needed for City requirements.</p>	<p>Progress: New State Accessory Dwelling Unit (ADU) laws (AB 2299 and SB 1069) took effect in January 2017. These state laws made parts of the City’s secondary dwelling unit requirements null and void and established new regulations regarding on-site parking, type and size of dwelling units, setbacks, and water and sewer utility requirements for all new ADUs. In April 2018, the City’s Zoning Code was updated to incorporate new ADU regulations in compliance with State ADU laws. In February 2020 the City adopted Ord. No. 19-3,932 which established development standards regulating new ADUs and Junior ADUs in the City’s single-family and multi-family residential zones in compliance with 2020 State ADU law.</p> <p>Effectiveness: The City has successfully approved and permitted more than 350 ADUs during the 2014-2019 period. A February 2020 rent survey shows that 46% of ADU rents were within the level affordable to low-income households, 10% were affordable to moderate-income households, and 44% were at levels affordable to above moderate-households.</p> <p>Appropriateness: With the new 2020 State ADU laws and the City’s ADU Ordinance No. 20-3,932 designed to further facilitate production, applications for ADUs and Junior ADUs are anticipated to remain robust. This program will continue in the Housing Element Update, and pursuant to new State law, will incorporate provisions to promote ADUs that provide affordable rents to low and moderate income households.</p>
<p>Development of Affordable Housing</p>	
<p>8. Affordable Housing Development Assistance</p> <p>Objective: Provide regulatory incentives and financial assistance for affordable housing projects, especially for extremely low-income households and persons with disabilities. Also, disseminate information on sites with potential for development, inclusionary housing requirements, density bonuses, and other available incentives and concessions.</p>	<p>Progress: In 2017, the City adopted the Burbank Affordable Housing Analysis and Strategy, which describes some of the causes of the affordable housing crisis and suggests strategies/solutions to be considered by the City. The results from the Strategy helped the City Council to formulate a citywide housing goal to facilitate the building of 12,000 dwelling units during the next 15 years, focused primarily in the Downtown Burbank/Burbank Center Plan/North San Fernando Blvd. Specific Plan area, Airport District (Golden State Specific Plan) area, and parts of the Media District Specific Plan area.</p> <p>Projects with affordable housing units that received planning entitlements and/or financial assistance during the planning period included:</p>

	<ul style="list-style-type: none"> ▪ 601-615 East Cedar Avenue - 46 unit multi-family project provided 35% density bonus and waiver from certain development standards in exchange for eight deed-restricted very low- and low-income rental units. ▪ First Street Village – Mixed use project encompassing 261 apartments and over 21,000 square feet of retail, and including 13 moderate-income units. ▪ 777 Front Street (La Terra) – Mixed use project including 573 rental units, a 300+ room hotel, and 1,000+ square feet of retail. 69 of the units will be provided at affordable rents to moderate-income households. <p>In addition to these projects, the City provided funding assistance to BHC to acquire and rehabilitate 17 long-term affordable housing units and 10 additional units owned by BHC were also rehabilitated. There is also a proposed 42-unit mixed-use project at 624 S. San Fernando Boulevard that will provide affordable units as part of a density bonus request and compliance with the City’s inclusionary requirements.</p> <p>Effectiveness: The City has provided incentives to facilitate the development of 90 new affordable rental units. It is anticipated that 8 of these units will come on line during the 5th Housing Element cycle, with the balance coming on line during the 6th cycle.</p> <p>Appropriateness: As funding permits, continue to provide gap financing, regulatory incentives and concessions to private developers and non-profits to increase the supply of affordable housing. This program continues to be appropriate for the Housing Element Update.</p>
<p>9. Inclusionary Housing Ordinance</p> <p>Objective: Continue to implement the Inclusionary Housing Ordinance.</p> <ul style="list-style-type: none"> ▪ Monitor the effectiveness of the Ordinance ▪ Develop parameters for expending the in-lieu fee revenues ▪ Consider amending the Inclusionary Housing Ordinance to include condominium conversion projects 	<p>Progress: Burbank’s existing Inclusionary Housing Ordinance, adopted in 2006, requires income and affordability covenants to be imposed on 15% of the units included in new residential developments with five or more units. The ordinance had been suspended for rental housing since 2009 due to the <i>Palmer</i> decision, but with the passage of AB 1505 (the “<i>Palmer Fix</i>”), was re-instated in January 2018. In 2019, an Inclusionary Housing Study prepared by Keyser Marston Associates focused on the impacts created by the imposition of affordable housing requirements; and estimated the fee amounts that can be supported for projects that are permitted to pay a fee in lieu of producing affordable housing. Updated regulations are anticipated to be considered by the Burbank City Council in 2020. While no inclusionary units were produced during the planning period, the City recently entitled an eight-unit housing project that will be contributing an in-lieu affordable housing fee, and in addition the project application for 624-628 S. San Fernando Blvd proposes to include one low income inclusionary unit on-site, in addition to the requested four very low income density bonus units.</p> <p>Effectiveness: The City continues to apply its existing inclusionary housing regulations for applicable rental and ownership projects.</p>

	<p>Appropriateness: The Inclusionary Housing Ordinance and Program can provide an important tool for increasing the number of affordable housing units in the City, and continues to be appropriate for the Housing Element Update.</p>
<p>10. Housing for Persons with Disabilities</p> <p>Objective: Support construction and rehabilitation of housing targeted for persons with disabilities.</p>	<p>Progress: The City provided financial support to BHC to develop Burbank Veteran Bungalows. This 11-unit property offers formerly homeless veterans affordable housing and supportive services provided through New Directions for Veterans (NDVets). Two units were redesigned for full ADA accessibility.</p> <p>Effectiveness: City has implemented its reasonable accommodation ordinance (adopted in 2009) and has complied with ADA requirements.</p> <p>Appropriateness: This program continues to be appropriate for the Housing Element Update.</p>
<p>11. Sustainability and Green Building</p> <p>Objective: Implement Sustainability Action Plan and Greenhouse Gas Reduction Plan and encourage green building practices in new construction and rehab projects.</p>	<p>Progress: The City has adopted the 2019 California Building Standards Code, including the California Energy Code and the CALGreen Code. Each of these codes have increased measures for energy efficiency, resource conservation, green building, and sustainability. Large development projects, such as the mixed-use projects being developed at Avion Burbank and the 777 N. Front Street include project design features that involve energy efficiency and green building design. Single-family residential homes continue to install solar photovoltaic systems and electric vehicle charging units, which are processed through building permits.</p> <p>Effectiveness: The Building and Safety Division has implemented CALGreen and provided information to the public about green building via the website and brochures handed out at the public counter.</p> <p>Appropriateness: CAL Green (Title 24) building code standards continue to be implemented through the Burbank Building and Safety Division. This program continues to be appropriate for the Housing Element Update.</p>
<p>Remove Constraints to Housing</p>	
<p>12. Transitional and Supportive Housing</p> <p>Objective: To comply with State law, the City will amend the Zoning Ordinance for transitional and supportive housing to be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.</p>	<p>Progress: The Zoning Code has not yet been amended to include Transitional and Supportive Housing as permitted uses in the R-1, R-1-H, and R-2 zones. The Code amendment will be necessary to comply with current Housing Element requirements. Despite these zoning provisions, between 2014-2019, the Burbank Housing Corporation (BHC) created a total of 17 transitional housing units for adults, youth, and families with children.</p> <p>Effectiveness: While the City has supported the creation of transitional and supportive housing through the Burbank Housing Corporation (BHC), the program action to amend the Zoning Code</p>

	<p>to permit these uses in R-1, R-1H and R-2 zones was not implemented during the planning period.</p> <p>Appropriateness: This program remains appropriate to the Housing Element Update, including an action to amend the Zoning Code consistent with current State law.</p>
<p>13. Development Standards and Procedures</p> <p>Objectives: Encourage mixed use developments through implementation of mixed use development standards and revisions to the Zoning Ordinance. Review the City's development review and approval process.</p>	<p>Progress: With funds from the Southern California Association of Governments (SCAG) in 2016, the City initiated the preparation of development standards for mixed-used places. After City staff conducted a number of public workshops and City Council/ Planning Board study sessions on mixed-use design standards, the City will now consider incorporating these standards in the Burbank Center Plan Update and the Golden State Specific Plan.</p> <p>The City also approved the following mixed-use projects within the planning period:</p> <ul style="list-style-type: none"> ▪ First Street Village Mixed-Use Development Project - This project consists of three six-story mixed-use development retail commercial space and 261 multifamily apartments. ▪ 777 Front Street "La Terra" - The Project includes retail and hotel uses and 573 residential (rental) units on a vacant seven-acre site. ▪ Talaria Mixed Use Development at 3401 W. Olive Avenue - This mixed-use project includes 241 residential rental units, a 42,950 square foot supermarket, and 760 parking spaces on 3.86 acres of land. <p>Effectiveness: Three mixed-use projects, totaling 1,075 rental units have been approved by the City since the beginning of 2014.</p> <p>Appropriateness: With the Burbank Center Plan Update and the Golden State Specific Plan considering these mixed-use development standards, this program continues to be relevant for the Housing Element Update.</p>
<p>14. Fair Housing</p> <p>Objective: Continue to contract with a qualified fair housing service, provide information on fair housing to Burbank residents and property owners, and promote fair housing practices.</p>	<p>Progress: Beginning in 2017, the City entered into a contract with the Housing Rights Center (HRC) to provide housing discrimination assistance and tenant/landlord information. HRC also offers fair housing education and outreach; fair housing investigation and enforcement; monitoring of real estate and lending activities; and assistance in implementation of Burbank's Fair Housing Plan.</p> <p>During 2017-2019, HRC handled 40 discrimination complaint inquiries in Burbank, just three of which rose to the level of a discrimination case. During this same three-year period, HRC handled complaints or requests for assistance involving 220 Burbank tenants or landlords. HRC has been able to resolve roughly 65% of the complainant's issues, with the remainder of complainants referred to an outside agency such as Legal Aid. Burbank is currently updating its Fair Housing Plan ("Analysis of</p>

	<p>Impediments to Fair Housing Choice”) which will guide the City’s fair housing activities for the ensuing five years.</p> <p>Effectiveness: The City’s fair housing program is effective in providing services and education regarding housing discrimination and tenant/landlord rights and responsibilities.</p> <p>Appropriateness: The Fair Housing Program provides an important service to residents and landlords in the community, and remains appropriate for the Housing Element Update.</p>
<p>15. Landlord/Tenant Mediation</p> <p>Objective: Offer conflict mediation services through Landlord-Tenant Commission.</p>	<p>Progress: The Landlord-Tenant Commission meets on the first Monday of each month to educate and assist in resolving issues between landlords and tenants. During 2019, the Commission held various public information meetings on the State’s AB 1482 rent control regulations that took effect on January 1, 2020.</p> <p>In addition, due to the Covid-19 pandemic, the City approved an Urgency Ordinance on March 17, 2020 prohibiting the evictions of residential and commercial tenants for non-payment of rent caused by the Corona virus. The eviction moratorium was extended through July 31st with amendments; including certain qualified commercial tenants. Furthermore, the City Council approved a Rent Repayment Ordinance in April 2020 that allows the repayment of back due rent, late fees/penalties to November 30, 2020, unless further extended by action of the City Council.</p> <p>Effectiveness: The Landlord-Tenant Commission is effective in helping to mediate the disputes brought before it, and serves an important role in promoting the rights of both tenants and landlords in the Burbank community.</p> <p>Appropriateness: The Landlord-Tenant Mediation Program provides a critical service to residents and landlords, especially with rising homelessness and the potential issues resulting from the current Covid-19 pandemic. This program continues to be appropriate for the Housing Element Update.</p>
<p>16. Emergency Shelter and Emergency Services</p> <p>Objective: Explore opportunities for supportive services programs and partnerships to leverage funds; provide funding support to agencies offering homeless services to Burbank’s homeless and at-risk population.</p>	<p>Progress: During the Housing Element planning period, the City participated in the following activities addressing homelessness:</p> <ul style="list-style-type: none"> ▪ The regional Winter Shelter Program operated by Hope of the Valley in Pacoima from December - March, which provides a shuttle van pick-up and drop-off at the Downtown Burbank Metrolink Station. ▪ Working together with local, County, and City of Los Angeles partners, the City of Burbank adopted a comprehensive Homeless Plan for 2018-2021. The Homeless Plan provides a proactive approach to homelessness by: 1) creating action oriented solutions that address the ongoing systemic social issues of homelessness impacting our community; 2) coordinating efforts to address homelessness with City Departments, public and private entities, businesses, and community involvement;

	<p>and 3) identifying funding, barriers, and measurable outcomes. The City has implemented multiple strategies identified in the Homeless Plan, including:</p> <ul style="list-style-type: none"> ✓ Preparing a feasibility study for interim or permanent housing; ✓ Preparing a feasibility study for the acquisition and conversion of a commercial space into an access center and shelter; ✓ Conducting a study of City-owned plots of land for potential use as a safe storage facility; ✓ Hiring a Homeless Services Liaison to educate the public regarding the City’s Homelessness efforts and engaging with the homeless; and ✓ Extending the partnership with Hope of the Valley to provide a winter shelter pick-up/drop-off from December 1, 2019 to March 30, 2020. <ul style="list-style-type: none"> ▪ The City of Burbank, along with several other cities, advocated for future Measure H Homelessness grants to implement homelessness plans. These efforts led to the release of a Cities’ Homelessness Plan Implementation - Request for Funding Proposal (RFP). Los Angeles County and Home For Good Funder’s Collaborative (HFG) released an RFP soliciting proposals for city-specific projects to increase the supply of interim or permanent supportive housing and to enhance the County service systems for those experiencing homelessness. ▪ In 2019, the Downtown Business Improvement District approved a 12-month contract with Streetplus to dedicate homeless outreach in downtown Burbank. <p>Effectiveness: The City has been effective in its support of local homeless service providers, and partnering with other cities in addressing the homelessness issue.</p> <p>Appropriateness: According to the 2019 Point In Time Homeless Count, the homeless population in the City was estimated to include 282 individuals. This program continues to be important for the Housing Element Update, and will incorporate new emergency shelter parking standards as required under AB 139.</p>
<p>17. Accessible Housing and Universal Design</p> <p>Objective: Explore incentives for residential projects that include universal design features.</p>	<p>Progress: The City routinely adopts updates to Uniform Building and Housing Codes to reflect current accessibility requirements in new construction.</p> <p>Effectiveness: The City also implements the reasonable accommodation ordinance, which was adopted in 2009.</p> <p>Appropriateness: Compliance with accessibility requirements is a standard building code requirement. As part of the Downtown Burbank/Burbank Center Plan Update and Golden State Specific Plan development process, the City will consider universal design</p>

	<p>guidelines and standards; and therefore, this program continues to be appropriate for the Housing Element Update.</p>
<p>18. Residential Lifeline Program</p> <p>Objective: Continue to offer reduced utility rates to very low-income seniors and disabled residents.</p>	<p>Progress: The Burbank Water and Power’s Lifeline Program offers an exemption from the monthly customer service charge, the utility users tax, and a reduced rate on electric service to income-qualified seniors and persons with disabilities. Description and application for the Lifeline Program is on the Burbank Water and Power website: https://www.burbankwaterandpower.com/my-home/lifeline-program</p> <p>Effectiveness: This program is an effective way of reducing the housing costs for Burbank’s special needs populations – low-income seniors and persons with disabilities.</p> <p>Appropriateness: This program continues to be appropriate for the Housing Element Update.</p>

Appendix B

New State Housing Laws Relevant to
Housing Element Update

Appendix B

New State Housing Laws Relevant to Housing Element Update

Statutes of 2019

1. SB 330 – Housing Crisis Act

Declares Statewide housing emergency and seeks to boost homebuilding throughout the State for at least the next 5 years by expediting the approval process for housing development. The Act removes some local discretionary land use controls and requires cities to approve all developments that comply with current zoning codes and general plans. If not extended, SB 330 will be effective from January 1, 2020 through January 1, 2025. Key aspects of the bill include:

- Prohibition of any changes to zoning codes or design standards that would reduce residential density or intensity of use from that which was in place on January 1, 2018.
- Authorization for proposed housing developments to override the local zoning codes that are inconsistent with the general plan, if the project is consistent with the general plan or land-use element of a specific plan.
- Prohibition of non-scheduled impact fees increases after a project applicant has submitted all preliminary required information.
- Limitation of the number of public hearings on a development to 5.
- Specification that applications must be reviewed for completeness within 30 days of submission, including provision of a written notice to the applicant if the agency believes the project is inconsistent with objective local standards, and within 60 days if the housing project is over 150 units.

Additional controls on “affected”⁶ cities include:

- No moratoriums on residential and mixed-use projects.
- No growth control measures.
- No density reductions or changes to design standards that downzone or limit housing development.
- Bans approval of development projects that would demolish existing units unless: a) project creates at least as many units as would be demolished; and b) replaces all occupied or vacant “protected”⁷ units with affordable units.

Implications for Housing Element:

Consider establishing a program to amend the Zoning Code to implement the residential demolition restrictions and replacement housing obligations required under the Housing Crisis Act. Evaluate

⁶ Burbank falls within the definition of an “affected” city as it is located within an urbanized area.

⁷ “Protected” units include units subject to an affordability restriction for lower-income households within past 5 years, or occupied by lower-income households within past 5 years.

whether Burbank’s Measure One growth control ordinance, which allows for full build-out under the Burbank2035 General Plan, is consistent with the Act.

2. SB 1486, AB 1255 – Surplus Land for Affordable Housing

Expands the definition of surplus land and puts additional restrictions on the disposal of surplus land.

- Requires cities to send notices of availability of surplus land to interested entities on a list maintained by HCD. Cities must also send a description of the notice and subsequent negotiations for the sale of the land which HCD must review and submit written findings within 30 days on any violations of law; violations may be referred to the Attorney General.
- Requires a housing element’s site inventory to include, for non-vacant sites that are owned by the city, a description of whether there are plans to dispose of the property during the planning period and how the city will comply with the Surplus Lands Act. Sunsets this provision on Dec. 31, 2028.
- Requires cities to include an inventory of surplus lands in their housing elements and annually report the inventory to the State Department of General Services (DGS), and requires DGS to create a searchable database of this information.

Implications for Housing Element:

Include an inventory of publicly owned surplus land in the Housing Element sites inventory. Identify any surplus properties anticipated to be sold during the planning period. Include a program in the Element to define how the City will comply with the Surplus Lands Act.

3. SB 6 - Design and Development of Sites Inventory

Requires the State Department of General Services (DGS), in coordination with the Department of Housing and Community Development (HCD), to create a public inventory of local sites suitable for residential development, along with state surplus lands. To implement this requirement, the housing element sites inventory must now be prepared on forms developed by HCD, and be submitted electronically to HCD along with the adopted Element. HCD will provide these inventories to DGS who will create a Statewide internet database of sites identified in each city’s housing element and make this database available and searchable by the public.

Implications for Housing Element:

Develop the sites inventory to include all the variables specified on HCD’s site inventory spreadsheet, and submit the completed form electronically with the adopted Element.

4. AB 1482 - California Tenant Protection Act

- Limits annual rent increases Statewide to no more than 5% + local inflation (as measured by the Consumer Price Index), or 10%, whichever is lower.
 - ✓ Applies to multi-family properties with 2 or more units
 - ✓ Exempts properties developed within the past 15 years
 - ✓ Allows owners to reset rents to market rate upon vacancy

- For tenants that have lived in a unit for at least one year, prohibits evictions and non-renewals of leases without “just cause.” The two types of just cause are: a) at fault just cause, and b) no fault just cause
 - ✓ “At Fault Just Cause” includes failure to pay rent, criminal activity, or breach of a material term of the lease.
 - ✓ “No Fault Just Cause” includes if the owner/owner’s family intends to occupy the property, withdrawing the property from the rental market or an intent to demolish or substantially remodel the property, or compliance with a local ordinance or order issued by the city.
 - ✓ If the owner converts rentals to condos or “substantially” remodels the property (no fault just cause), tenants are eligible to receive relocation payments equal to one month’s rent.
- Law expires on January 1, 2030, unless extended by lawmakers.

Implications for Housing Element:

Develop new Tenant Protection program in the Element, and include information on educational outreach being conducted by the Landlord/Tenant Commission to publicize new protections offered to tenants under the Act.

5. AB 1763 – Density Bonus

Permits 100% affordable housing projects to be built denser and taller through three modifications to current Density Bonus Law (outlined below) that are designed to help reduce costs associated with the development of affordable housing.

- Increases maximum density bonus of 35% to 80% for housing projects where all units are affordable to low and very low -residents. If project is located within ½ mile of a major transit stop, eliminates all restrictions on density and allows a height increase of up to three stories or 33 feet.
- Increases the maximum number of incentives and concessions a project is eligible for from three to four.
- In addition to reduced parking provisions currently available to density bonus projects, eliminates all parking requirements for 100% affordable projects that qualify as a special needs or supportive housing development.

Implications for Housing Element:

Ensure the City’s updated density bonus ordinance meets the parameters of AB 1763, and incorporate the new ordinance as a program in the Element.

6. AB 139 – Emergency Shelters

Amends the required assessment method to demonstrate sufficient site capacity within zone(s) where emergency shelters are allowed as a permitted use. Limits the required parking to staff working in the shelter, and not in excess of parking required for other residential or commercial uses within the same zone.

Implications for Housing Element:

Utilize the new assessment method to assess site capacity within the M-2 zone where shelters are currently permitted by-right. Add a program action to amend the current parking standards for shelters from a ratio based on the number of beds to a ratio based on to the number of shelter staff.

7. SB 13, AB 68, AB 587, AB 670, AB 671, AB 881 – Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)

This package of legislation builds upon recent changes to ADU and JADU law and seeks to further address barriers to the creation of these housing types. Key components of this legislation include:

- Prohibits minimum lot size requirements.
- Eliminates owner-occupancy requirements January 1, 2025.
- Prohibits imposing a maximum ADU size of less than 850 square feet, or 1000 square feet for ADUs with more than one bedroom.
- Prohibits requiring replacement parking for ADUs created through the conversion of a garage, carport or covered parking structure.
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days.
- Requires ADUs up to 750 square feet to be exempt from impact fees, and requires impact fees for ADUs of 750+ square feet to be proportional to the size of the ADU to the primary dwelling unit.
- Allows JADUs to be constructed within the walls of a single-family residence, and eliminates the requirement that JADUs include an existing bedroom or an interior entry into the main residence.
- Upon application and approval of an ADU, allows an owner of a substandard ADU five years to correct non-health and safety violations.
- Requires housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households.

Implications for Housing Element:

Revise the Housing Element’s current ADU Program to reflect Burbank’s current ordinance which implements State law and explicitly provides for JADUs. Augment the Program to incentivize and promote ADUs that can provide affordable rents to lower- and moderate-income households.

Statutes of 2018

8. AB 686 – Affirmatively Furthering Fair Housing

Seeks to ensure that cities administer their programs relating to housing and community development in a manner affirmatively to further the purposes of the federal Fair Housing Act and do not take any action that is materially inconsistent with its obligation to affirmatively further fair housing.

- Requires cities to conduct an assessment of fair housing in the housing element, identify sites throughout the community in a manner that affirmatively furthers fair housing, and include program(s) to affirmatively further fair housing.
- Sites identified in the housing element to accommodate lower-income need should not be concentrated in low-resource areas (lack of access to high performing schools and jobs, and where there may be increased pollution or health impacts) or areas of segregation and concentrations of poverty. Lower-income sites should be distributed throughout the community including areas of opportunity.

Implications for Housing Element:

Incorporate findings and recommendations from the City’s 2020 Analysis of Impediments to Fair Housing Choice (AI) in the Element. Ensure the sites inventory includes locations for higher density/lower-income housing in high-resource areas, and incorporate policies for environmental justice.

9. AB 2162 – Supportive Housing Streamlined Approval

Requires supportive housing be a use by-right in zones where multi-family and mixed uses are permitted, including non-residential zones permitting multi-family uses, if the proposed housing development meets specified criteria, and requires cities to approve, within specified periods, a supportive housing development that complies with these requirements. Prohibits cities from imposing any parking requirement on supportive housing if the development is located within ½ mile of a public transit stop.

Implications for Housing Element:

Add new supportive housing provisions to governmental constraints analysis in the Element. Augment Element’s current Transitional and Supportive Housing program to include an action to amend the Zoning Code consistent with current State law.

Statutes of 2017

10. SB 166 - Strengthen No Net Loss/Continuous Rezonings of Housing Sites

Requires cities to identify additional low-income housing sites in their housing element, or rezone to make low-income sites available, when market- rate housing is developed on a site currently identified for low-income housing in the housing element sites inventory.

Key No Net Loss provisions:

- If city approves a development project on a site included in the housing element sites inventory with fewer units than shown in the element, city must either: a) find that other sites in the housing element are adequate to meet the total RHNA; or b) identify and rezone as necessary additional sites so there is no net loss in capacity.
- In addition to projects approved with fewer units, SB 166 will now require cities to make no net loss findings if projects are approved that fall within a different income category than identified in the housing element.

- If a low/mod housing element site is approved for market-rate units, the city must either: a) make findings (including unmet need and remaining capacity of sites) that other sites shown in the housing element are adequate to meet the RHNA for low/mod-income housing; or b) identify and make available within 180 days other sites zoned at a density suitable for low/mod housing, either by identifying existing zoned sites or by rezoning. *(Default densities in Burbank - minimum 30 units/acre for very low/low-income sites, 15 units/acre for moderate-income sites).*

Other Bill provisions:

- Cities cannot deny a housing project because it provides fewer units and/or lesser affordability than identified in the housing element. However, non-residential development proposed on a housing element site may be denied if a shortfall in sites would occur.
- If approval of a project results in the need to find a replacement housing site so there is no net loss in capacity, city is not obligated to complete CEQA review or any rezoning or other action needed to create a replacement site. The requirement to identify a replacement site within 180 days of project approval does not allow for any extension due to the need to complete CEQA review.

Implications for Housing Element:

Incorporate a sufficient “buffer” in the sites inventory to offset any sites developed at lower densities or higher income levels than assumed in the Housing Element to ensure adequate sites can be maintained throughout the RHNA planning period by income category.

11. AB 879 – Additional Constraints Analysis

Expands the required analysis of governmental and non-governmental constraints in the housing element, and the development of programs to address.

- Governmental constraints analysis must now specifically address "any locally adopted ordinances that directly impact the cost and supply of residential development." Examples of such ordinances include mitigation fees related to traffic, parks, and utilities, as well as inclusionary housing requirements.
- Non-governmental constraints analysis must include requests to develop housing at densities below those identified in the housing element sites inventory, and the length of time between applying for building permits and receiving project approval. The Element must also identify local efforts to remove such non-governmental constraints to development projects.

Implications for Housing Element:

Include documentation on the economic feasibility of the City’s proposed update of the inclusionary housing ordinance. Evaluate potential governmental and non-governmental constraints to address the new parameters of the Bill, and develop program(s) to address any identified constraints.

12. AB 1397 - Additional Justification of Housing Element Sites

Requires additional justification for the inclusion of sites in the housing element sites inventory, particularly for sites identified as addressing the city's lower-income housing needs.

New site inventory requirements:

- Sites must be "available" for residential development with "realistic and demonstrated potential" to accommodate housing development. Identified sites must have access to sufficient water, sewer, and dry utilities, or be part of a mandatory program to provide such utilities. Additional justification required on the unit capacity for each site, including review of project densities on similar sites in the city and at similar affordability levels.
- Lower-income sites must be between 1/2 acre and 10 acres in size, unless the city can provide evidence why the site would be appropriate, such as proposal or approved development project affordable to lower-income households for the site.
- Vacant sites identified in 2 or more prior housing elements for lower-income households, and non-vacant sites identified in the prior housing element for lower-income households that have not been approved for housing can no longer be used to fulfill the city's lower-income RHNA need unless: a) the site is or will be rezoned to the minimum lower-income household density for the city within three years; and b) the zoning allows for residential development by right of at least 20% of the units for lower-income households.
- Expanded analysis and justification of non-vacant sites, including city's past experience converting existing uses to higher density residential development, current market demand for the existing use, and analysis of any existing leases or contracts that could prevent redevelopment of the site.
- If a city relies on non-vacant sites to accommodate 50% or more of its housing need for lower-income households, the "existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period." Sites identified for housing development that currently or within the last five years contained residential units occupied by lower-income households, or were subject to an affordability requirement or local rent control policy, must be replaced one-for-one with units affordable to the same or lower-income levels.

Implications for Housing Element:

Shift the focus of the Housing Element sites inventory from underutilized multi-family parcels, which will be difficult to justify under the new requirements, to Burbank's specific plan areas with major transit and employment. Add a new program to the Element requiring the replacement of units affordable to the same or lower-income level as a condition of any development on a non-vacant site, including market rate units previously occupied by lower-income tenants.

13. AB 1505 - Authorizes Inclusionary Housing in Rental Projects

Overturns *Palmer* decision and authorizes cities to require a certain amount of low-income housing on-site or off-site as a condition of the development of residential rental units.

- Alternative Means of Compliance Required. Any inclusionary housing ordinance requiring affordable rental housing must provide alternative means of compliance, which may include, but are not limited to, in-lieu fees, land dedication, off-site development of units, or acquisition and rehabilitation of existing units.

- Potential HCD Review. HCD may review an inclusionary housing ordinance that: a) was adopted after September 15, 2017; and b) requires more than 15% of the rental units to be affordable to households with incomes of 80% AMI or less if the city has failed to meet at least 75% of its share of the RHNA for the above moderate-income category for five years or more. HCD may request an economic feasibility study meeting specified standards that demonstrates the local inclusionary ordinance does not unduly constrain the production of housing.

Implications for Housing Element:

Ensure the City’s updated inclusionary ordinance meets the parameters of AB 1505. Incorporate the new ordinance as a program in the Element, and include periodic monitoring of its effectiveness.

14. AB 1521 - Preservation of Affordable Housing with Expiring Use Restrictions

Requires the seller of a subsidized housing development to accept a bona-fide offer to purchase from a qualified purchaser, if specified requirements are met. Gives HCD additional tracking and enforcement responsibilities to ensure compliance.

- Notice requirements. AB 1521 increases the required notice of "expiring use restrictions" from 1 to 3 years prior to the expiration date of restrictions. Notice must be given to prospective tenants, current tenants, and "affected local entities" if the rental restrictions are set to expire after January 1, 2021. "Affected local entities" are the local city, any local housing authority, and HCD.
- HCD Monitoring and Annual Report Requirements. Owners of assisted affordable developments where 25% or more of units are subject to affordability restrictions will need to report annually on forms to be provided by HCD.

Implications for Housing Element:

Update Preservation of Assisted Rental Housing program in the Element to reflect the new noticing requirements, and include an action to request copies of owner annual reports from HCD as a means of monitoring the status of assisted housing in the city.

15. AB 72 - Increased Enforcement of Housing Element Law

Provides explicit statutory authority for HCD to find a city out of compliance with state housing law at any time, including actions taken which are inconsistent with the city's adopted housing element (such as failure to complete required re-zonings). HCD must provide the city a reasonable time to respond that cannot exceed 30 days, and then may revoke its finding of substantial compliance and refer any violations to the State Attorney General. HCD may also report to the Attorney General any violations of the Housing Accountability Act, the "No Net Loss" statute, density bonus law, or fair housing law.

Implications for Housing Element:

Ensure City commitment to implementation of Housing Element programs, and continue to monitor progress through annual Housing Element Progress Reports (APRs).